

REMARKS

Claims 2-5 and 8-12 are currently pending, with claims 11 and 12 having been added by the present amendment.

§ 102(e) - Ahmed et al.

Claims 2-5 and 8-10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by the Ahmed et al. patent (US Pat No. 6,534,572). Applicants respectfully traverse this rejection.

The Ahmed et al. patent does not teach or suggest each feature of the present invention, as set forth in representative claims 1 and 9. For example, the Ahmed et al. patent does not disclose or suggest the claimed non-acidic compound. The Office has asserted that the Ahmed et al. patent teaches a lactide, as allegedly described in column 7, lines 55-56. However, the Ahmed et al. patent does not disclose a lactide. Instead, the Ahmed et al. patent discloses the possible use of polylactide as an alternative thermoplastic polymer to be used in superabsorbent articles. A polylactide is not a subdivision of a genus of lactides. Lactides are small cyclic molecules and polylactides are large straight-chain molecules having different properties.

That is, a polylactide is not a lactide. Lactides and polylactides are different, both in structure and functionalities. Lactides are small cyclic molecules containing two glycolic or lactic or other α -hydroxy acid units. A polylactide is a polymeric straight-chain material having repeating units $-\text{O}-\text{CH}(\text{R})-\text{C}(=\text{O})-(\text{R}=\text{methyl})-$. As a result of the different structure, the properties are different. Lactide, because of its monomeric and cyclic nature, does not have structuring properties and can hydrolyzed relatively easily, while polylactide, being a polymer, has structuring properties and is less susceptible to hydrolytic agents.

Accordingly, the Ahmed et al. patent does not teach or suggest a lactide.

Moreover, applicants traverse the allegation that the Ahmed et al. patent teaches polylactide is present in an amount of about 14% with respect to the superabsorbent material. The Office relies on a teaching at column 8, lines 20-24, that the Office alleges teaches polylactide is present in an amount of 10% with respect to the total weight. However, column 8, lines 20-24 actually disclose that at least one additional ingredient (in addition to the thermoplastic component;

polylactide is a thermoplastic component) may be present in an amount of 10% with respect to the total weight. Thus, the cited 10% value is not for polylactide. The Office relies on this initial 10% value for the calculation of the 14% value. Thus, the Ahmed et al. patent does not disclose the 14% value as disclosed by the Office.

Therefore, Applicants respectfully request that the rejection of claims 2-5 and 8-10 under 35 U.S.C. § 102(e) as being anticipated by the Ahmed et al. patent, be withdrawn.

New Claims

New claims 11 and 12 have been added by the present amendment. Claim 11 depends from claim 9 and recites that "the non-acidic compound is a cyclic lactide." Claim 12 depends from claim 4 and recites that "the non-acidic compound is a cyclic lactide." Support for claims 11 and 12 can be found throughout the specification and at least at paragraph [0005]. Claims 11 and 12 are patentable for at least the reasons claims 4 and 9 are patentable.


Accordingly, applicants respectfully request entry and allowance of new claims 11 and 12.

Conclusion

Applicants believe they have responded to all matters raised in the above referenced Office Action and that the application is now in condition for allowance. If the Examiner has any questions concerning this Application or this Reply and Amendment, the Examiner is invited to contact the undersigned.

Respectfully submitted,
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